

HOUSE BILL No. 1059

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-22-3.

Synopsis: Chemical munitions disposal and transport. Substitutes for the permit requirement for destruction or treatment of chemical munitions a requirement to demonstrate that the munitions will be destroyed or treated to certain standards. Requires the department of environmental management to implement an inspection and oversight protocol to ensure enforcement. Requires a person proposing to transport chemical munitions or hazardous waste derived from the destruction of chemical munitions to file with the department a transport risk analysis and a transport safety plan.

Effective: Upon passage.

Grubb, Thomas

January 4, 2005, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1059

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-22-3-10 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) In addition
3 to any other requirements, ~~a permit may not be issued under this~~
4 ~~chapter for the construction or operation of~~ a hazardous waste facility
5 ~~to may not~~ be used for the destruction or treatment of a chemical
6 munition ~~unless the person applying for the permit has demonstrated~~
7 ~~referred to in 329 IAC 3.1-6-3, as in effect on January 1, 2005,~~
8 ~~unless all of the following have been demonstrated:~~

9 (1) That the destruction or treatment technology to be used at the
10 proposed hazardous waste facility: ~~has been in operation:~~

11 (A) ~~at a facility comparable to the proposed hazardous waste~~
12 ~~facility; and~~

13 (B) ~~for a time sufficient to demonstrate that (A) will destroy~~
14 ~~or treat~~ ninety-nine and nine thousand nine hundred
15 ninety-nine ten thousandths percent (99.9999%) of the
16 chemical munition processed; ~~at the comparable facility has~~
17 ~~been destroyed or treated; or~~



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(B) will ensure that the chemical munition processed is destroyed or treated to below the detection limit of the analytical method approved by the commissioner.

(2) That monitoring data from a ~~comparable~~ the hazardous waste facility demonstrates that there are no emissions from the ~~comparable~~ facility that alone or in combination with another substance present a risk of any of the following:

- (A) An acute or a chronic human health effect.
- (B) An adverse environmental effect.

(3) That a plan to:

(A) provide sufficient training, coordination, and equipment for state and local emergency response personnel needed to respond to possible releases of harmful substances from the proposed hazardous waste facility; and

(B) evacuate persons in the geographic area at risk from the worst possible release of:

- (i) the chemical munition; or
- (ii) a substance related to the destruction or treatment of the chemical munition;

from the proposed hazardous waste facility;

has been funded and developed.

(b) The department shall implement an inspection and oversight protocol for each hazardous waste facility described in subsection (a) to ensure that the requirements of this title are met.

SECTION 2. IC 13-22-3-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. (a) This section applies to a person that proposes to transport:**

(1) a chemical munition referred to in 329 IAC 3.1-6-3, as in effect on January 1, 2005; or

(2) hazardous waste derived from the destruction or treatment of a chemical munition referred to in subdivision (1).

(b) In addition to any other requirements, before beginning a transport referred to in subsection (a), a person must file with the department the following:

(1) A written transport risk analysis that:

(A) accounts for the type and quantity of hazardous waste to be transported;

(B) identifies each type of incident that could:

- (i) occur during the transport; and**
- (ii) result in harm to the public health or environment;**

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- 1 (C) assesses the likelihood of the occurrence of each type of
- 2 incident referred to in clause (B);
- 3 (D) identifies the magnitude of the potential harm to the
- 4 public health or environment associated with each type of
- 5 incident referred to in clause (B); and
- 6 (E) is written in a manner understandable to:
- 7 (i) the scientific community; and
- 8 (ii) the public.
- 9 (2) A written transport safety plan that:
- 10 (A) is tailored to the risks described in subdivision (1);
- 11 (B) demonstrates that the driver of each vehicle to be used
- 12 in the transport is appropriately trained and licensed; and
- 13 (C) demonstrates for each part of the transport route that
- 14 appropriate procedures and facilities will be in place for
- 15 immediate:
- 16 (i) medical response;
- 17 (ii) environmental response;
- 18 (iii) security response; and
- 19 (iv) evacuation of the area.

20 SECTION 3. An emergency is declared for this act.

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